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ELECTRONICALLY FILED

The Honorable Robert B. Kugler
United States District Court for the District of New Jersey
Mitchell H. Cohen Building and U.S. Courthouse
4th & Cooper Streets Room 1050
Camden, New Jersey 08101

Re: Sciele Pharma, Inc., et al. v. Lupin Ltd., et al., Civil No. 09-037-RBK-JS

Dear Judge Kugler:

The Lupin Defendants take this opportunity to respond to the Court's question as to whether Your Honor should retain this case even though the Inter-Circuit referral has now concluded due to the confirmation of Delaware's fourth District Judge.

The Lupin Defendants believe that this case is at a convenient point for a Delaware judge to take over: The Markman decision is out; the preliminary injunction issued; and there are no other pending motions or disputes. The parties can begin with fact and expert discovery and proceed to trial with a Delaware District Judge and Magistrate Judge with little or no disruption.

With that said, the Lupin Defendants would not object if the Court elected to keep this case rather than return it to the District of Delaware.

We appreciate Your Honor's willingness to hear from us on this issue.

Respectfully submitted,

/s/ *Richard D. Kirk*
Richard D. Kirk (rk0922)

cc: All counsel

